

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FRANK KATZ,

Plaintiff,

v.

FIAT/CHRYSLER AUTOMOBILES, *et al.*,

Defendants.

CIVIL ACTION NO. 3:15-CV-0036  
(JUDGE CAPUTO)  
(MAGISTRATE JUDGE  
MEHALCHICK)

**ORDER**

Presently before the Court is Magistrate Judge Karoline Mehalchick's Report and Recommendation ("R & R") (Doc. 13) that Plaintiff Frank Katz's Amended Complaint (Doc. 12) be dismissed and the case be closed. Any objections to the R & R were due on May 11, 2015. On May 18, 2015, Plaintiff mailed an Objection to the R & R (Doc. 14), and on May 20, it was received and filed, nine (9) days after the deadline.

Where objections to a magistrate judge's R & R are filed, the Court must conduct a *de novo* review of the contested portions. *Sample v. Diecks*, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989) (citing 28 U.S.C. § 636(b)(1)(c)). However, this only applies to the extent that a party's objections are both *timely* and specific. *Goney v. Clark*, 749 F.2d 5, 6-7 (3d Cir. 1984) (emphasis added). The court should review uncontested portions for clear error or manifest injustice. See, e.g., *Cruz v. Chater*, 990 F. Supp. 375, 376-77 (M.D. Pa. 1998). Because Plaintiff Katz's objections to the R & R (Doc. 14) were not timely, I reviewed the R & R for plain error and manifest injustice, and upon review, I will adopt the R & R.

**ACCORDINGLY**, this 21<sup>st</sup> day of May, 2015, upon review of the Report and Recommendation of Magistrate Judge Karoline Mehalchick (Doc. 13) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 13) is **ADOPTED**.
- (2) The Amended Complaint (Doc. 12) is **DISMISSED**.
- (3) The Clerk of Court is instructed to mark this case as **CLOSED**.

  
A. Richard Caputo  
United States District Judge